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**JUN 10 2005**

PTO/SB/21 (09-04)

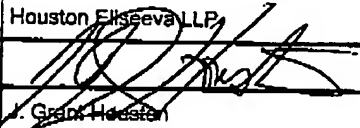
Approved for use through 07/31/2005. OMB 0651-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                      |                         |              |
|---|----------------------|-------------------------|--------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/743,238              |              |
|   | Filing Date          | December 22, 2003       |              |
|   | First Named Inventor | Paul Mattackal Verghese |              |
|   | Art Unit             | 2872                    |              |
|   | Examiner Name        | Chang, Audrey Y.        |              |
| Total Number of Pages in This Submission  | 8                    | Attorney Docket Number  | 0005.1120US1 |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <div align="right"> <b>RECEIVED</b><br/> <b>GIPE/IAP</b><br/> <b>JUN 14 2005</b> </div>   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |                 |
|--|---|-----------------|
| Firm Name                                  | Houston Eliseeva LLP  |                 |
| Signature                                  |  |                 |
| Printed name                               | J. Grant Houston  |                 |
| Date                                       | June 10, 2005   | Reg. No. 35,900 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |                    |
|---|---|--------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |                    |
| Signature   |  |                    |
| Typed or printed name   | Claire J. Handalian   | Date June 10, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 60

#### Complete If Known

|                      |                         |
|----------------------|-------------------------|
| Application Number   | 10/743,238              |
| Filing Date          | December 22, 2003       |
| First Named Inventor | Paul Mattackal Verghese |
| Examiner Name        | Chang, Audrey Y.        |
| Art Unit             | 2872                    |
| Attorney Docket No.  | 0005.1120US1            |

#### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 501547 Deposit Account Name: Axsun Technologies, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

#### FEE CALCULATION

##### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

##### 2. EXCESS CLAIM FEES

| Fee Description  | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50       | 25                    |
| Each independent claim over 3 (including Reissues)                     | 200      | 100                   |
| Multiple dependent claims  | 360      | 180                   |
| <b>Total Claims</b>  |          |                       |
| - 20 or HP = _____ x _____ = _____                                     |          |                       |
| HP = highest number of total claims paid for, if greater than 20.      |          |                       |
| <b>Indep. Claims</b>   |          |                       |
| - 3 or HP = _____ x _____ = _____                                      |          |                       |
| HP = highest number of independent claims paid for, if greater than 3. |          |                       |

##### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** - 100 = \_\_\_\_\_ **Extra Sheets** / 50 = \_\_\_\_\_ **Number of each additional 50 or fraction thereof** (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_ **Fee (\$)** **Fee Paid (\$)**

##### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): Extension for reply within first month **60**

|                                    |  |                        |
|------------------------------------|--|------------------------|
| <b>SUBMITTED BY</b>                |  |                        |
| Signature                          | Registration No. (Attorney/Agent) 35,900 | Telephone 781-863-9991 |
| Name (Print/Type) J. Grant Houston |  | Date June 10, 2005     |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 10 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                        |  |                  |                     |
|------------------------|--|------------------|---------------------|
| In Re:                 | Paul Mattackal Verghese                                | Confirmation No: | 6972                |
| Serial No:             | 10/743,238   | Group:           | 2872                |
| Filed:                 | December 22, 2003                                      | Examiner:        | Chang,<br>Audrey Y. |
| For:                   | Dual Membrane Single Cavity Fabry<br>Perot MEMS Filter |                  |                     |
| Customer No.:          | 25263  |                  |                     |
| Attorney<br>Docket No. | 0005.1120US1   |                  |                     |

**AMENDMENT UNDER RULE 111**

VIA FACSIMILE: 703-872-9306

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the pending Office Action, mailed February 16, 2005 (Paper No. 02152005), please amend the above-captioned application as follows:

-amendments to the claims are reflected in the listing of claims in section a); and

Finally, reconsideration is requested in view of the remarks set forth in section b).

A one month extension is requested for this response.

06/13/2005 ZJUHR1 00000023 501547 10743238

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